



THE PRINCE GEORGE'S COUNTY GOVERNMENT

BOARD OF ZONING APPEALS

BOARD OF ADMINISTRATIVE APPEALS

COUNTY ADMINISTRATION BUILDING, UPPER MARLBORO, MARYLAND 20772
TELEPHONE (301) 952-3220

NOTICE OF FINAL DECISION

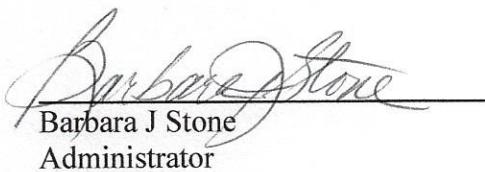
OF BOARD OF APPEALS

RE: Case No. V-51-20 Samuel and Lakeecia Gamble

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: January 13, 2021

CERTIFICATE OF SERVICE

This is to certify that on March 19, 2021, the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



A handwritten signature in black ink, appearing to read "Barbara J. Stone".

Barbara J Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioners: Samuel and Lekeecia Gamble

Appeal No.: V-51-20

Subject Property: Lot 9, Block A, Raymond M. Ager Subdivision, being 2018 Powhatan Road,
Hyattsville, Prince George's County, Maryland

Heard and Decided: January 13, 2021

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioners request that the Board approve variances from Section 27-442(d)(Table III) which prescribes that each lot shall have a minimum width of 65 feet measured along the front building. Section 27-120.01(c) which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. The Petitioners propose to validate an existing condition (lot/width frontage) and obtain a building permit for a proposed driveway that will be partially located in front of the house. Variances of 15 feet front building line width and waiver of the parking area location requirement are requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property was subdivided in 1941, contains 9,490 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling and shed. Exhibits (Exhs.) 2, 3, 6, 7 and 8 (A) thru (F).
2. The subject property is a very long and narrow lot at 50' wide x 188' in length. Exhs. 2, 3, 6, 7 and 8 (A) thru (F).
3. The Petitioners propose to validate a preexisting condition on the lot (width frontage). The validation is warranted because the lot is only 50 feet wide, but Section 27-442(d)(Table III) requires the frontage to be 65 feet in the R-55 zone. A variance of 15 feet is therefore required. In addition, the proposed driveway will be located in front of a portion of the home on the right side requiring a waiver of the parking area location requirement. Exhs. 2, 3, 6, 7 and 8 (A) thru (F). Both the validation and waiver must be granted before a building permit may be obtained to build the proposed driveway.
4. Petitioner Lekeecia Gamble testified that the Site Road Section of the Department of Permitting, Inspections and Enforcement (DPIE) reviewed the configuration of the proposed driveway and apron. She

stated Site Roads modified their proposal to include a 3.5-foot setback from the property line (as shown on the site plan).¹ The apron permit is pending the approval of the variance request.

5. She stated that many homes have been converted from single-family dwellings to multiple tenants' dwellings which has caused an excessive number of vehicles parked on the streets. She stated that nearby houses have driveways, but most of the residents having at least 3-4 cars, taking up their driveway parking as well as street parking areas. She emphasized that Powhatan Road is a highly traveled street with cars speeding on the street. She explained that both sides of the street have cars parked which creates a very narrow passageway causing hit and run issues. She stated that their car has been swiped six times. Exhs. 2 and 4 (A) thru (G).

5. Petitioner Samuel Gamble stated the driveway will be 10' x 32'. He further stated that the streets are very tight and finding a parking space is extremely difficult. If two cars are traveling opposite direction, one car must pull over to allow the other to pass. Exhs. 2 and 4 (A) thru (G).

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

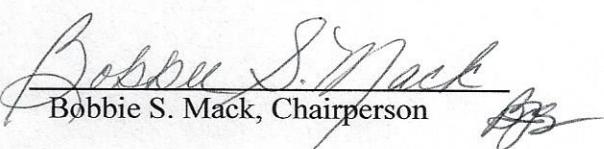
After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the DPIE requirement of a 3.5 feet setback from the side property line, the proliferation of vehicles of residents now in the community, the vehicular danger posed by the heavy traffic on Powhatan Road, the preexisting narrowness of the lot and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owners of the property.

BE IT THEREFORE RESOLVED, unanimously, that variances of 15 feet front building line width and waiver of the parking area location requirement in order to validate an existing condition (lot/width frontage) and obtain a building permit for the proposed driveway on the property located at 2018 Powhatan Road, Hyattsville, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variances is contingent upon development in compliance with the approved site plan, Exh. 2.

BOARD OF ZONING APPEALS

By:


Bobbie S. Mack, Chairperson

¹ 23-139 (a), (b) and (c).

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

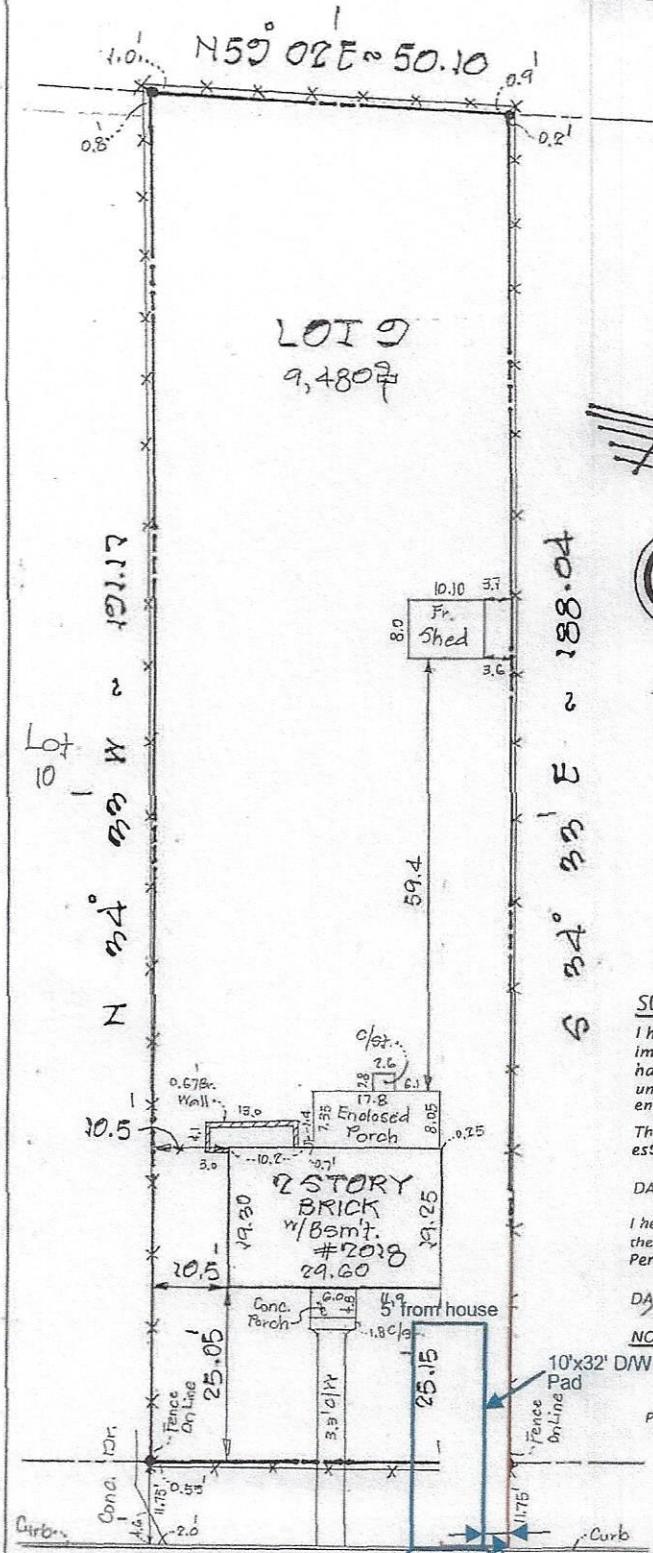
A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.

LOCATION DRAWING

LOT 9, BLOCK "A"
RAYMOND M. AGER PROPERTY

PLAT BOOK BB 08 @ PLAT NO. 69
17TH ELECTION DISTRICT
PRINCE GEORGE'S COUNTY, MD.

EXH. # 2
V-51-20



OK FOR 10'x32' DRIVEWAY
PAD AND SINGLE APRON



BOARD OF APPEALS

SURVEYOR'S CERTIFICATES:

I hereby certify that the position of the existing improvements on the above described property has been established by a field survey and that unless otherwise shown, there are no visible encroachments, if any.

This location drawing is not to be relied for establishing boundary lines.

DATE: 15th April 2020 W.L. Mee

I hereby certify that I have carefully surveyed the property as shown by this plat and Permanent Survey Markers are in place as shown.

DATE:

NOTE: Location drawing do not include setting Permanent Survey Markers at property corners.

NO TITLE REPORT FURNISHED
PLAT SUBJECT TO RESTRICTIONS & EASEMENTS
OF RECORD OR OTHERWISE.

W. L. MEEKINS, INC.

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REGISTRATIONS
MD # 10833
DCLS # 900860

APPROVED JAN 13 2020

ADMINISTRATOR